

The Honorable Philip H. Brandt  
Chapter 13  
Hearing Date: August 7, 2008  
Hearing Time: 9:30 a.m.  
Response Due: July 31, 2008

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

In re:

LESTER AND KIMBERLEY HENLEY,  
Debtors.

)  
)  
) Bankruptcy Case No. 07-13985  
)  
) OBJECTION TO AMENDED PLAN OF  
) CONFIRMATION  
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)  
)

THE BUSH SCHOOL, by and through its undersigned attorneys, hereby objects to confirmation of the Amended Chapter 13 Plan submitted by the Debtors. The Objection is based upon the following:

1. The Bush School objected to the Debtors' prior Chapter 13 Plan, based upon the Debtors' failure to inform the Court of their obligations to the Bush School, both pre- and post-petition arising from the attendance of their child at The Bush School. As set forth in the Amended Objection dated February 8, 2008, the Debtors had failed to list The Bush School as a creditor, even though unpaid tuition payments exceeding \$15,000 were owing. Moreover, the Debtors were continuing to accrue obligations for the 2007-2008 school year, which were not being paid. It was only after The Bush School filed its Objection that these issues were addressed.

2. The Debtors, in their latest proposed Chapter 13 Plan, now acknowledge the debt to the Bush School, and represent to the Court that a relative will be assuming primary responsibility for ongoing tuition and other payments. However, the Debtors fail to properly classify and arrange for payment of the post-petition charges that have been incurred and remain unpaid. The pending Chapter 13 Plan provides that those charges, \$4,973.38 +\$180.11 post-petition interest, be paid as a “Specially Classified Unsecured Claim” to be paid prior to other nonpriority unsecured claims. However, that post-petition claim, by definition, is not an unsecured claim, since it accrued after the bankruptcy petition was filed. Indeed, the Debtors acknowledge the unique position of the claim of The Bush School, by proposing to pay interest on the claim, which is not allowable for general unsecured claims.

3. The Bush School post-petition claim is in fact an administrative claim incurred for tuition and other expenses related to the support of the Debtors' dependent child and should be paid in accordance with paragraph 3.A.2 of the Plan. Given that it has been almost one year since the Debtors filed for relief, there should be funds on hand sufficient to pay this administrative claim on confirmation. As post-petition charges, there is no justification to treat these obligations as if they were unsecured claims.

For the foregoing reasons, The Bush School respectfully objects to confirmation of the Debtors' Amended Chapter 13 Plan as proposed.

Dated this 25<sup>th</sup> day of July, 2008.

KARR TUTTLE CAMPBELL

/s/ Merrilee A. MacLean  
Merrilee A. MacLean WSBA #12732  
Attorneys for The Bush School